

Exhibit D-2

30(b)(6) Abbott (Fishman, David) - Vol II

March 20, 2008

Chicago, IL

Page 362

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

-----x
In re: PHARMACEUTICAL INDUSTRY) MDL DOCKET NO.
)
AVERAGE WHOLESALE PRICE) CIVIL ACTION
)
LITIGATION.) 01CV12257-PBS
-----x

VOLUME II

The videotaped 30(b)(6) deposition of ABBOTT (DAVID FISHMAN), called by the United States for examination, taken pursuant to subpoena and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Rachel F. Gard, Certified Shorthand Reporter, at 77 West Wacker Drive, Suite 3500, Chicago, Illinois, commencing at 8:35 a.m. on the 20th day of March, A.D., 2008.

30(b)(6) Abbott (Fishman, David) - Vol II

March 20, 2008

Chicago, IL

Page 643

1 moment.

2 Q. Did Abbott ever report to the government
3 the differences between its contract prices and its
4 list prices from 1993 through 2003 for the subject
5 drugs?

6 MS. CITERA: Objection to the form, outside
7 the scope.

8 BY THE WITNESS:

9 A. I don't know that they did that.

10 Q. Sir, did Abbott understand that its
11 obligations under the False Claims Act and to
12 comply with the false claims were not just
13 obligations concerning what it -- concerning
14 knowing violations of the False Claims Act but also
15 reckless or inadvertent conduct in its price
16 reporting?

17 MS. CITERA: Object to the form, outside the
18 scope. Also I'd caution you not to reveal any
19 privileged communications or analysis.

20 BY THE WITNESS:

21 A. Without being able to recite the OIG
22 guidance in 2003, I would suggest that in 2003,

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

0f08cf8d-8dfa-4007-81db-29f9710803e3